

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD M. CULLEN and
MARY C. CULLEN,

Plaintiffs,

v.

CITY OF ST. IGNACE,
a/k/a CITY OF SAINT IGNACE,
ANTHONY D. BROWN,
DARCY D. LONG,
CONSTANCE A. LITZNER,
COUNTY OF MACKINAC,
SCOTT A STRAIT,
MELISSA WATSON,
PHIL SMITH, and
CARYN MARIE MICHALAK,
Individually and in their official
Capacities, and jointly and severally,

Defendants.

Case No. 2:21-cv-00076

Hon. Hala Y. Jarbou

Mag. Judge Phillip J. Green

JOINT MOTION TO EXTEND THE DISCOVERY DATE
AND THE DISPOSITIVE MOTION DATE

The parties, through counsel, request the Court to extend the date for the end of discovery and the dispositive motion date for 60 days. The Scheduling Order calls for the conclusion of discovery to be August 1, 2022, and the filing of dispositive motions by September 1, 2022; the parties ask the Court to extend the date 60 days for the following reasons:

1. This action was brought by Mr. and Mrs. Cullen after Mr. Cullen was terminated from his employment as a police officer for the City of St. Ignace. The matter is assigned to the Northern Division docket.

2. The present Scheduling Order calls for the end of discovery on August 1, 2022. The parties have been diligently attending to discovery throughout the discovery process (as summarized in the accompanying brief) with a high degree of civility and with no need to involve the Court's attention or time to unresolved discovery disputes.
3. The geographic dynamics of the parties and counsel, plus the COVID pandemic, have complicated the deposition process. For example, three groups of parties residing in the St. Ignace area are represented by three counsel—one based four hours away in Marquette, and two are 5 hours away in the Detroit area. One party is based in Brighton, Michigan, with counsel based in Grand Rapids. However, over the winter the parties traveled to meet in St. Ignace to conduct nine depositions over several days.
4. All parties complied with the Rule 26 schedule deadline. Several document subpoenas and interrogatories have been exchanged.
5. Remaining to do are depositions of third-party witnesses and city employees, some of whom have their own counsel, and who have been working with parties' counsel to arrange dates for the non-party deponents; also the parties have further document subpoenas to issue which are based on follow-up to previous deponents' answers and anticipated answers of the remaining deponents. The parties submit the details of their progress and diligent efforts to attend to discovery and further details of the need for additional discovery time in their accompanying brief.
6. The parties are not asking to change the scheduled mediation deadline of October 3, 2022.

WHEREFORE, the parties jointly and respectfully request the Court to extend the August 1, 2022, discovery deadline 60 days and to extend the dispositive motion deadline 60 days; no other scheduling changes are requested.

/s/ Gary T. Miotke

Gary T. Miotke (P41813)
Attorney for Plaintiffs
6828 Park Avenue
Allen Park, MI 48101
(313) 388-4809
gmiotke@miotkelawoffice.com

Dated: July 14, 2022

/s/ M. Sean Fosmire

M. Sean Fosmire (P31737)
Attorney for Defendants City of
St. Ignace, Brown, Long and Litzner
1440 West Ridge Street, Suite C
Marquette, MI 49855
(906) 228 0001
sean.fosmire@kitch.com

Dated: July 14, 2022

/s/ Lauri B. Stewart

Lauri B. Stewart (P55014)
Attorney for Defendants
Mackinac County and Strait
500 Woodward Ave., Ste. 2500
Detroit, MI 48228-5499
(313) 961 0200
lstewart@kerr-russell.com

Dated: July 14, 2022

/s/ Thomas J. Gezon

Thomas J. Gezon (P24066)
Attorney for Defendant Caryn Marie Michalak
4175 Parkway Place Drive, SW, Ste. 104
Grandville, MI 49418
(616) 667-2217
tjg@smietankalaw.com

Dated: July 14, 2022